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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,258	10/08/2003	Chin-Ping Li	BHT/3127-138	5668

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EXAMINER

LAMB, CHRISTOPHER RAY

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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03/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/680,258	Applicant(s) LI, CHIN-PING	
	Examiner CHRISTOPHER R. LAMB	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5,7-9,11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,7,11 and 13 is/are allowed.
- 6) ☒ Claim(s) 2,3,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) ☐ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) ☐ Information Disclosure Statement(s) (PTO/SB/08) | 5) ☐ Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) ☐ Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed November 18th, 2008 have been fully considered.

With regards to claims 13 and 7:

The subject matter of dependent claims 4 and 10 had previously been indicated as allowable. Applicant amended independent claims 13 and 7, respectively, to include this subject matter, and argues that the incorporation of the previously allowed subject matter makes these claims allowable.

This argument is persuasive, and these claims now contain allowable subject matter. However, even though the independent claims contain allowable subject matter, not all the dependent claims are allowable.

Applicant originally had two embodiments: the embodiment of Fig. 1 and the embodiment of Fig. 3. Dependent claims 2, 3, 8, and 9 were directed to the embodiment of Fig. 1; the previous dependent claims 4, 5, 10, and 11 were directed to the embodiment of Fig. 3. When applicant amended the independent claims to include the subject matter of claims 4 and 10, respectively, it turned dependent claims 2, 3, 8, and 9 into a mixture of the two embodiments. Such a mix was not present in the specification as originally filed and therefore those claims are rejected as follows.

Claim Objections

2. Claims 2 and 8 are objected to because of the following informalities: "a second input port" should be "the second input port." Appropriate correction is required.

Claim Rejections - 35 USC § 112

Art Unit: 2627

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2, 3, 8, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 2:

It recites wherein “the button is connected to a second input port of the control circuit.”

Claim 13, which this claim is dependent on, recites wherein “the another button is connected to the second input port of the control circuit.”

The specification, at the time the application was filed, did not disclose wherein two buttons were connected to the second input port of the control circuit.

The specification disclosed two embodiments. In the first (Fig. 1), the button is connected to a second input port of the control circuit, and there is no “another button” also connected to the second input port. In the second (Fig. 3), the button is connected to the first input port and the another button is connected to the second input port.

Neither of these embodiments show the claimed subject matter.

Regarding claim 3:

It is dependent on claim 2.

Regarding claims 8 and 9:

Claim 8 contains subject matter similar to that of claim 2; claim 9 is dependent on claim 8.

5. Claims 2, 3, 8, and 9 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 2:

As discussed in detail in the new matter rejection above, the specification does not disclose an embodiment wherein two buttons are connected to the same input port of the control circuit. Since this subject matter is not described in the specification at all, it is not described in such a way so as to enable one skilled in the art to make and/or use the invention.

Regarding claims 3, 8, and 9:

Claim 3 is dependent on claim 2; claim 8 contains language similar to that of claim 2; claim 9 is dependent on claim 8.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 2, 3, 8, and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2:

This claim recites "wherein the button is connected to a second input port of the control circuit." Assuming applicant intends to claim the embodiment of Fig. 3 (since that is the only embodiment with both a button and another button), the phrase "connected to" fails to particularly point out and distinctly claim the subject matter of the invention. The button is connected to the second input port, but not directly: there is an entire circuit in between, including a diode, capacitor, and resistor. Therefore the use of the phrase "connected to" here omits essential elements.

Regarding claim 3:

This claim is dependent on claim 2. Additionally, it leaves out the diode between the first input port and the capacitor and the resistor, such an omission amounting to a gap between the elements.

Regarding claims 8 and 9:

These claims are similar to claims 2 and 3.

Allowable Subject Matter

8. Claims 5, 7, 11, and 13 are allowed.
9. Reasons for the indication of allowable subject matter were given in the previous Office Action (independent claims 7 and 13 contain the subject matter recited in the now-cancelled dependent claims 4 and 10).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2627

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER R. LAMB whose telephone number is (571)272-5264. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

CRL 2/27/09